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it says that the officer should inform the person of these options but he really doesn't have to, and if he doesn't, then it really doesn't make any difference. That is what the committee amendment says. It is a suggestion that the officer tell these people, but if he doesn't, it doesn't make any difference.

SENATOR HIGGINS: So the law mandates that someone you suspect of a very heinous crime has got to be told what his rights are?

SENATOR CHAMBERS: That is right.

SENATOR HIGGINS: But someone you suspect of slipping over the line and becoming drunk, inebriated, whatever, that person you don't have to give them their rights? It is up to the discretion of the arresting officer?

SENATOR CHAMBERS: Right and Senator Hoagland had quoted Justice Cardoza but closer to home in terms of geography and time is Chief Justice Norman Krivosha who stated on this very point that a person can't waive a right if they don't know they have it, and that the test that the officer requires the person to take is conducted out and processed out of the sight and presence of that person and it is completely administered and handled by the agency that is trying to convict him. So that person, since these options were placed in the law, should be informed of these options and failure to do so should prevent the use of that test that the police brought from being used against the person.

SENATOR HIGGINS: Thank you, Senator Chambers. All I would say is, as an individual who drinks Chablis wine occasionally, and I am not going to stand here and tell you that Marge Higgins has never ever slipped over the line, I am not that holy. I have got my faults and my sins. I have never done it intentionally, never, and I have never driven a car if I thought I had too much to drink. I will tell you this I would sure like the same rights that a suspected murderer or rapist gets. I don't think I can go along with an amendment that says, Marge, you aren't entitled to the same rights. Thank you.